

EV368788417US



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/562,324 Confirmation No. 3066
 Applicant : Giesela Greif
 Title : USE OF A NOVEL EIMERIA GENE AND CORRESPONDING PROTEIN
 International Application No. PCT/EP04/07080
 International Filing Date: June 30, 2004
 Docket No. : LE A 36 695
 Customer No. : 05251

CERTIFICATE OF MAILING
 37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service, postage prepaid, as Express Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

3/12/07 *Nancy Morton*
 Date Signature

Mail Stop Missing Parts
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE

Dear Sir:


Responsive to the Notification of Defective Response, mailed 02/13/2007,
 enclosed herewith are the following documents:

1. Written sequence listing.
2. Computer Readable Form (CFR) of sequence listing.
3. Declaration of Jean M. Dickman that the information recorded on the computer readable form is identical to the written sequence listing.
4. Amendment directing the entry of the sequence listing into the application.
5. Copy of the Notice.

The Commissioner is hereby authorized to charge any additional fee which may be required, or credit any overpayment, to Deposit Account No. 19-2112. A duplicate copy of this response is enclosed.

Dated: March 12, 2007

Respectfully submitted,

A handwritten signature in black ink that reads "Jean M. Dickman" with a long horizontal flourish extending to the right.

Jean M. Dickman
Reg. No. 48538

JMD/nlm

SHOOK, HARDY & BACON L.L.P.
2555 Grand Boulevard
Kansas City, MO 64108-2613
816-474-6550


 03/13/07
 UNITED STATES PATENT AND TRADEMARK OFFICE

 UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/562,324	Gisela Greif	Le A 36 695

 35969
 JEFFREY M. GREENMAN
 BAYER PHARMACEUTICALS CORPORATION
 400 MORGAN LANE
 WEST HAVEN, CT 06516

INTERNATIONAL APPLICATION NO.	
PCT/EP04/07080	
I.A. FILING DATE	PRIORITY DATE
06/30/2004	07/04/2003

 CONFIRMATION NO. 3066
 371 FORMALITIES LETTER


OC000000022434133

Date Mailed: 02/13/2007

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Priority Document
- Copy of the International Application filed on 12/23/2005
- Copy of the International Search Report filed on 12/23/2005
- Biochemical Sequence Diskette filed on 12/23/2005
- Oath or Declaration filed on 06/29/2006
- Biochemical Sequence Listing filed on 06/29/2006
- Request for Immediate Examination filed on 12/23/2005
- U.S. Basic National Fees filed on 12/23/2005
- Priority Documents filed on 12/23/2005

Applicant's response filed 06/29/2006 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 05/03/2006 have not been completed.

- The paper or compact disc copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e). Applicant must provide a substitute paper or compact disc copy of the "Sequence Listing", as well as an amendment specifically directing its entry into the application, OR a substitute computer readable form (CRF) copy of the "Sequence Listing". These two items must be the same. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

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Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patent Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patent Software Program Help @ ebc@uspto.gov

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

ANITA D JOHNSON

Telephone: (703) 308-9140 EXT 226

PART 1 - ATTORNEY/APPLICANT COPY

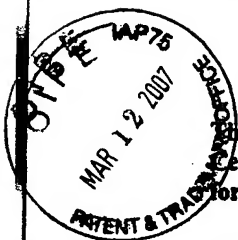
U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/562,324	PCT/EP04/07080	Le A 36 695

FORM PCT/DO/EO/916 (371 Formalities Notice)

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STIC Biotechnology Systems Branch

RAW SEQUENCE LISTING
ERROR REPORT



The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 10/562,324
Source: JFWP
Date Processed by STIC: 01/09/2006

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION AND PATENTIN SOFTWARE QUESTIONS, PLEASE CONTACT MARK SPENCER, TELEPHONE: 571-272-2510; FAX: 571-273-0221

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE **CHECKER** **VERSION 4.4.0 PROGRAM**, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:

<http://www.uspto.gov/web/offices/pac/checker/chknote.htm>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<<http://www.uspto.gov/efb/efs/downloads/documents.htm>> , EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
3. Hand Carry, Federal Express, United Parcel Service, or other delivery service (EFFECTIVE 01/14/05):
U.S. Patent and Trademark Office, Mail Stop Sequence, Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314

Revised 01/10/06

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IFWO

RAW SEQUENCE LISTING
PATENT APPLICATION: US/10/562,324

DATE: 01/09/2006
TIME: 10:43:50

Input Set : A:\PTO.DA.txt
Output Set : B:\CRF4\01092006\J562324.raw

5 <110> APPLICANT: Bayer AG
9 <120> TITLE OF INVENTION: NEUHS EIMERIA GEN UND PROTEIN SOWIE DEREN

VERWENDUNG

13 <130> FILE REFERENCE: LeA 36695 DE
C--> 17 <140> CURRENT APPLICATION NUMBER: US/10/562,324
C--> 17 <141> CURRENT FILING DATE: 2005-12-23
17 <160> NUMBER OF SEQ ID NOS: 24
21 <170> SOFTWARE: PatentIn version 3.1

*pls do not use
foreign language
in US Application.*

ERRORED SEQUENCES

563 <210> SEQ ID NO: 24
565 <211> LENGTH: 18
567 <212> TYPE: DNA
569 <213> ORGANISM: Artificial Sequence
573 <220> FEATURE:
575 <223> OTHER INFORMATION: Primer BGH reverse
577 <400> SEQUENCE: 24
578 tagaaggcac agtcgagg
E--> 584 Le a 36 695
E--> 587 - 11 -

Does Not Comply
Corrected Diskette Needed

(pg-1)

18

→ pls delete

file://C:\CRF4\Outhold\VsJ562324.htm

1/9/2006

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VERIFICATION SUMMARY

PATENT APPLICATION: US/10/562,324

DATE: 01/09/2006

TIME: 10:43:51

Input Set : A:\PTO.DA.txt

Output Set: M:\CRF4\01092006\J562324.raw

L:17 M:270 C: Current Application Number differs, Replaced Current Application No
L:17 M:271 C: Current Filing Date differs, Replaced Current Filing Date
L:45 M:258 W: Mandatory Feature missing, <223> Blank for SEQ#:1, Line#:41
L:584 M:254 E: No. of Bases conflict, LENGTH:Input:695 Counted:21 SEQ:24
L:584 M:320 E: (1) Wrong Nucleic Acid Designator, NUMBER OF INVALID KEYS:2
L:584 M:112 C: (48) String data converted to lower case,
L:587 M:254 E: No. of Bases conflict, this line has no nucleotides.
L:587 M:252 E: No. of Seq. differs, <211> LENGTH:Input:18 Found:21 SEQ:24

file://C:\CRF4\Outhold\VsJ562324.htm

1/9/2006

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VERIFICATION SUMMARY

PATENT APPLICATION: U9/10/562,324

DATE: 01/09/2006

TIME: 10:43:51

Input Set : A:\PTO.DA.txt

Output Set: N:\CRF4\01092006\J562324.raw

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L:17 M:271 C: Current Filing Date differs, Replaced Current Filing Date
L:45 M:258 W: Mandatory Feature missing, <223> Blank for SEQ#:1, Line#:41
L:584 M:254 E: No. of Bases conflict, LENGTH:Input:695 Counted:21 SEQ:24
L:584 M:320 E: (1) Wrong Nucleic Acid Designator, NUMBER OF INVALID KEYS:2
L:584 M:112 C: (48) String data converted to lower case,
L:587 M:254 E: No. of Bases conflict, this line has no nucleotides.
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